

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS JOSEPH DUNPHY, JR.,

Petitioner, No. CIV S-04-2623 DFL KJM P

vs.

DAVID RUNNELS,

Respondent. ORDER

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Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On August 11, 2006, the magistrate judge assigned to this case filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed August 11, 2006, are adopted in full;
2. Respondent's July 18, 2005 motion to dismiss is granted; and
3. This action is dismissed.

DATED: 9/27/2006

DAVID F. LEVI